

REMARKS

Applicants appreciate the withdrawal of the restriction requirements and examination of all of claims 49-63.

Enclosed herewith is a submission in conformance with 37 C.F.R. §§ 1.821-1.825 thus obviating the objection to the specification:

The claims have been amended in response to the rejections under 35 U.S.C. § 112, paragraph 2. It is clear from the specification that "foreign" with regard to a "foreign gene" refers to a gene that is foreign to the polio virus. This has been clarified in the claims. In addition, the criticism of "effective amount" is obviated by explaining that the amount is that effective to result in the desired expression. The criticism of "factor" in claim 58 has been obviated by amendment as well.

The only remaining rejections are with regard to double-patenting over U.S. patents 6,063,384 and 5,817,512. Terminal disclaimers are submitted with respect to these patents.

In view of the amendment and submission of terminal disclaimers, it is believed that claims 49-63 are now in a position for allowance. Passage of these claims to issue is respectfully requested.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket No. 532572000104.

Respectfully submitted,

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